IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Previously Presented): A toner resin composition comprising a linear polyester resin (A) containing a C_3 to C_{10} aliphatic diol component and having a softening temperature in the range of 150 to 220°C and a linear polyester resin (B) containing a C_3 to C_{10} aliphatic diol component which differs from said linear polyester resin (A), the (parts by mole of the C_3 to C_{10} aliphatic diol component in the linear polyester resin (B))/(parts by mole of the C_3 to C_{10} aliphatic diol component in the linear polyester resin (A)) in the case of designating the total acid component of the resin as 100 parts by mole being in a range of 0.5 to 10.

Claim 2 (Previously Presented): A toner resin composition comprising a linear polyester resin (A) containing a C_3 to C_{10} aliphatic diol component and having a softening temperature in the range of 150 to 220°C, a linear polyester resin (B) containing a C_3 to C_{10} aliphatic diol component which differs from said linear polyester resin (A), and a vinyl-based resin (C), the (parts by mole of the C_3 to C_{10} aliphatic diol component in the linear polyester resin (B))/(parts by mole of the C_3 to C_{10} aliphatic diol component in the linear polyester resin (A)) in the case of designating the total acid component of the resin as 100 parts by mole being in a range of 0.5 to 10.

Claim 3 (Original): A toner resin composition as set forth in claim 1, comprising the linear polyester resin (A) in an amount of 3 to 50 mass%.

Claim 4 (Original): A toner resin composition as set forth in claim 2, comprising the linear polyester resin (A) in an amount of 3 to 50 mass%, the linear polyester (B) in an amount of 10 to 96 mass%, and the vinyl-based resin (C) in an amount of 1 to 40 mass%.

Claim 5 (Original): A toner resin composition as set forth in any one of claims 1 to 4, wherein the linear polyester resin (A) has a softening temperature in a range of 150 to 220°C.

Claim 6 (Previously Presented): A toner resin composition as set forth in claim 1, wherein a softening temperature of the linear polyester resin (A) is 20°C or more higher than the softening temperature of the linear polyester resin (B).

Claim 7 (Previously Presented): A toner resin composition as set forth in claim 1, wherein the C_3 to C_{10} aliphatic diol component is a component containing at least one type of a diol selected from neopentyl glycol, propylene glycol, and cyclohexane dimethanol.

Claim 8 (Previously Presented): A toner resin composition as set forth in claim 1, wherein the linear polyester resin (A) is a linear polyester resin (a) which contains, when the total acid component is designated as 100 parts by mole, the C_3 to C_{10} aliphatic diol component in an amount of 10 to 60 parts by mole, has a glass transition temperature of 50 to 75°C, has a mass average molecular weight Mw of 25,000 to 100,000, and has no melting point, and the linear polyester resin (B) is a linear polyester resin (b) which contains, when the total acid component is designated as 100 parts by mole, the C_3 to C_{10} aliphatic diol component in an amount of 55 to 100 parts by mole, has a glass transition temperature of 40

to 70°C, has a mass average molecular weight Mw of 2,000 to 10,000, and has no melting point.

Claim 9 (Previously Presented): A toner resin composition as set forth in claim 1, wherein a glass transition temperature measured after conversion into a toner is 45 to 70°C, the softening temperature is 90 to 140°C, a melt viscosity at 120°C is 100 to 5000 Pa·s, and a mass average molecular weight Mw is 8,000 to 60,000.

Claim 10 (Previously Presented): A toner containing a toner resin composition as set forth in claim 1 as a binding resin.

Claim 11 (Currently Amended): A toner linear polyester resin (al) comprising a C_3 to C_{10} aliphatic diol component in an amount of 10 to [[60]] 30.5 parts by mole with respect to 100 parts by mole of the total carboxylic acid component, having a glass transition temperature in a range of 50 to 75°C, having a mass average molecular weight Mw in a range of 25,000 to 100,000, not having a melting point, having a softening temperature in a range of 150 to 220°C, and having an acid value of 10 mgKOH/g or less.

Claim 12 (Original): A toner use linear polyester resin (al) as set forth in claim 11, wherein the C_3 to C_{10} aliphatic diol component is one or more types selected from neopentyl glycol, propylene glycol, and cyclohexane dimethanol.

Claim 13 (Original): A toner use linear polyester resin (a1) as set forth in any of claims 11 to 12, wherein the dicarboxylic acid component and diol component are esterified in a range of 250 to 280°C of temperature and in a range of 200 kPa to 500 kPa of pressure,

then in a range of 250 to 300°C and at a temperature 5°C or more higher than an esterification reaction temperature under 1 kPa or less of pressure for condensation polymerization.

Claim 14 (Previously Presented): A toner containing a toner use linear polyester resin (a1) as set forth in claim 11 as a binding resin.

Claim 15 (Original): A method of production of a toner linear polyester resin (a1) comprising causing a dicarboxylic acid component and a diol component to react at a temperature of a range of 250 to 280°C and under a pressure of a range of 200 kPa to 500 kPa by an esterification reaction, then causing condensation polymerization at a temperature in the range of 250 to 300°C and 5°C or more higher than the esterification reaction temperature under a pressure of 1 kPa or less.

Claim 16 (Currently Amended): A toner linear polyester resin (b1) comprised of a linear polyester resin comprised of a dicarboxylic acid component and a diol component, comprising an aromatic dicarboxylic acid in a total carboxylic acid component in an amount of 50 mol% or more, containing a C_4 to C_8 aliphatic diol in an amount of 60 parts by mole or more with respect to 100 parts by mole of the total carboxylic acid component, having a glass transition temperature in a range of 40 to 70°C, having a mass average molecular weight Mw in a range of 4,000 to 10,000, not having a melting point, and having a softening temperature in a range of 90 to 120°C, wherein the C_4 to C_8 aliphatic diol is neopentyl glycol.

Claim 17 (Canceled).

Claim 18 (Currently Amended): A toner linear polyester resin (b1) as set forth in claim 16 ~~or 17~~, wherein the acid value is a range of 0.5 to 30 mgKOH/g.

Claim 19 (Previously Presented): A toner comprising a toner linear polyester resin (b1) as set forth in claim 16 in the toner in an amount of 5 mass% or more.

Claim 20 (Original): A toner comprising a binding resin and a coloring agent, said toner characterized in that the binding resin is mainly comprised of polyester resin, the polyester resin contains a polyester resin (X) and a polyester resin (Y), a blending ratio of the polyester resin (X) and polyester resin (Y) is 5/95 to 95/5 (weight ratio), the polyester resin (X) is a linear polyester resin with a mass average molecular weight Mw of 25,000 to 100,000 and a softening temperature of 150 to 220°C, the polyester resin (Y) is a linear polyester resin with a mass average molecular weight Mw of 2,000 to 10,000, and a minimum fixing temperature is 130°C or less and a range of fixing temperature is 40°C or more.

Claim 21 (Original): A toner as set forth in claim 20 wherein the polyester resin (Y) contains a polyester resin having a softening temperature of 100°C or less.

Claim 22 (Original): A toner as set forth in claim 20 or 21, wherein the polyester resin (Y) contains at least two types of polyester resin and the difference in softening temperature of those two types of polyester resin is 5°C or more.

Claim 23 (Previously Presented): A binding resin used in the toner set forth in claim 20.